

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

C.R. No. 3633 of 2005 (O&M)

Date of Decision : 20.11.2007

Randeep Singh

.....Petitioner

Versus

Parvinder Kumar & Ors.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.G.S. Bawa, Advocate
for the petitioner.

Mr.L.S. Sandhu, Advocate
for respondents No. 1 & 2.

VINOD K. SHARMA, J. (ORAL)

This revision petition has been filed against the order dated 9.5.2005 passed by the learned Addl. Civil Judge (Sr. Divn.), Dabwali allowing an application moved by the respondent defendants under Order 7 Rule 11 read with Section 151 of the Code of Civil Procedure for rejection of plaint.

The learned trial Court has been pleased to order the payment of advalorem Court fee in view of the fact that plaintiff had challenged the sale deed executed by the third person.

The learned counsel for the appellant by placing reliance on the judgment of this Court in the case of *Tara Singh and others Vs. Tarsem Singh and others 1987 P.L.J. 172* contends that the suit as framed by the plaintiff is only for declaration to the effect that the sale in question was not binding on the rights of the petitioner, as he was entitled to inherit

the property in dispute being, co-parcenary property in the hands of the vendor. In view of the law laid down by this Court in the case of ***Tara Singh and others Vs. Tarsem Singh and others*** (supra) the impugned order cannot be sustained. Consequently, this revision is allowed. The impugned order is set aside and the application moved by the respondent defendant under Order 7 Rule 11 C.P.C. is ordered to be dismissed.

20.11.2007
'sp'

(VINOD K. SHARMA)
JUDGE